

REMARKS

Applicants respectfully request reconsideration of the present case in view of the above amendments and the following remarks. Claims 1-17 are currently pending. Claims 1, 5, 7, 11, 14, and 17 have been amended. Applicants submit that no new matter has been inserted by the above amendments.

35 U.S.C. § 112 Rejections

With respect to the Examiner's rejections based on 35 U.S.C. § 112, Second Paragraph claims 5, 11, 14 and 17 have been amended, the phrase "capable" having been removed. In claim 7, the word "with" has been changed to "while", and the phrase "wherein the heating step is any one of a deposition process and a sintering process" has been added.

With respect to the Examiner's rejection based on 35 U.S.C. § 112, First Paragraph, Applicant respectfully submits that the process for manufacturing the optical fiber preform using MCVD is fully enabled by the specification. For example, the MCVD process and features outlined in claims 7 and 10-17 are enabled by at least the specification at p. 12, line 6 – p. 13, line 9.

Claim Rejections based on 35 USC § 102 and § 103

Examiner has rejected claims 1, 2, 5, and 7-11 as anticipated by U.S. Patent No. 6,578,387 to Tankala ("Tankala") under 35 U.S.C. § 102(e). Claims 1, 2, 4, 5, 7-11, 16, and 17 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,889,528 to Sen ("Sen"). And claims 3, 6, and 12-15 stand rejected under 35 U.S.C. § 103(a) as obvious in view of Tankala, Sen, and U.S. Patent Application No. 2003/0221459 to Walczak ("Walczak"). Applicants respectfully submit that for at least the reasons set forth below and in view of the above amendments, these claims are patentable in view of the cited references.

Claims 1 and 7 call out for an MCVD process wherein the dehydration gas (chlorine gas) is supplied for dehydration into a tube having a soot layer deposited on an inner wall thereof. Further, these claims require the dehydration gas to be preheated to 600 to 1200°C before being supplied into the tube so that a temperature in the tube is kept above 500°C.

With respect to the § 102 (e) rejections, Tankala [1] and Sen [2] teach a dehydration process that is conducted using dehydration gas in the MCVD process, but both cited references

fail to teach that the dehydration gas is directly preheated. In more detail, Tankala discloses that “the soot layer is dried with a stream of chlorine and inert gas.” However Tankala does not disclose that the chlorine gas is directly preheated before reaching the soot layer. In addition, Sen discloses that “the soot layer and the tube are heated.” However, Sen does not teach that *the dehydration gas* is heated. Moreover, as a matter of course neither Tankala nor Sen teach any numerical range of dehydration gas preheating temperature. Thus, claim element requiring “directly preheating the dehydration gas before the dehydration gas is supplied into the tube” cannot be derived from Tankala, Sen, or a combination of the two. In view of this, applicants submit that claims 1 and 7 are not anticipated by Tankala or Sen, nor are such claims rendered obvious by a combination of the two references, and should therefore be allowed.

Claims 2-6 and 8-17 depend upon claims 1 and 7, respectively, and therefore should also be considered novel under 35 U.S.C. § 102(c) and non-obvious under 35 U.S.C. § 103.

With respect to Walczak, applicants submit that Walczak is related to an OVD (Outside Vapor Deposition) process and not the MCVD process claimed in the present application. The MCVD process differs from an OVD process as discussed, for example, at p. 8, lines 17-22. Therefore, Walczak is not suitable as a basis for rejecting this invention.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

/John F. Dolan/

John F. Dolan
Registration No. 45,382

Customer No. 22859
FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425 USA
Telephone: (612) 492-7000
Facsimile: (612) 492-7077

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.